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Letter dated 21 March 2005 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I write with reference to my predecessor's letter of 7 November 2002 (S/2002/1233). The Counter-Terrorism Committee has received the attached supplementary report from the United Republic of Tanzania submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex). I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Andrey I. **Denisov**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

05-30004 (E) 180505

Annex

Note verbale dated 17 March 2005 from the Permanent Mission of the United Republic of Tanzania to the United Nations addressed to the Chairman of the Counter-Terrorism Committee

The Permanent Mission of the United Republic of Tanzania to the United Nations presents its compliments to the Chairman and has the honour to enclose herewith the supplementary report of the United Republic of Tanzania (see enclosure).

Enclosure

Supplementary report submitted by the United Republic of Tanzania to the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

SUB-PARAGRAPH 1 (a)

Does the 'Administrative Circular' of the Bank of Tanzania on money laundering have the force of law? In particular, what is the legal basis for the 'administrative fines' imposed by it on banks and other financial institutions and 'on defaulting officers'?

The Bank of Tanzania issued an administrative circular No. 8 on Money Laundering Control on 30th June 2000. This Circular by itself has no force of law. But through interpretation of relevant provisions of the Banking and Financial Institution Act, 1991 [BFIA 1991] it could be said that it has backing of the law. Section 17 of the Banking and Financial Institutions Act, empowers the Bank of Tanzania to supervise all banks and financial institutions in the United Republic of Tanzania. Section 17 (1) states that:

> "Notwithstanding any provisions of any law, the power relating to the supervision, bank, control and regulation of all banks and financial institutions in the United Republic is hereby vested in the bank which, for the purposes of this Act and without prejudice to the generality of the power conferred by the foregoing, shall have power to-
>
> (c) Require any bank or financial institution within such time as it may stipulate, to furnish any information or to comply with any order, directive or determination issued or made by the bank pursuant to all the powers of the bank conferred on it under this act or the Bank of Tanzania Act;
>
> (d) Require any bank or financial institution to provide periodical written reports at such times and in such manner as may be prescribed by the bank".

The above-mentioned section of the law, through interpretation, gives legal backing to Circular No.8.

The legal basis for the 'administrative fines' imposed by Circular No. 8 on banks and other financial institutions and on 'defaulting officers' emanates from section 17 (2) of the Banking and Financial Institutions Act, 1991 which states:

> "If any bank or financial institution contravenes or fails to comply with any requirement under paragraph (c) of sub-section (1) of this section, the bank or financial institution concerned and every officer thereof who is in default shall be liable on conviction to a default fine".

As stated above, the legal backing of Circular No.8 is not specifically and directly expressed, but its legality is established by inference. Sensing this gap, a draft Bill to amend the BFIA will soon be tabled before Parliament.

The Counter-Terrorism Committee (CTC) would welcome a progress report on, and particulars of, the reporting chain of suspicious transactions mentioned in the report and an indication of what constitutes a 'suspicious transaction' in that context.

According to the provisions of Circular No.8 on Money Laundering Control, Article 4 (g), covered institutions are required to develop a reporting chain of suspicious transactions and report promptly such transactions to the law enforcement agencies after consultation with the Bank of Tanzania.

Particulars of some of the suspicious transactions reported by banks and financial institutions since the circular came into force:

(1) Fourteen remittances from various persons in Taiwan, totaling $ 101, 220.00 through Money Gram. The remittances were made between 19.02.2004 and 09.04.2004; the suspicion was caused by the frequency and aggregate amount involved in the transfers.

(2) Various big deposits by a customer, (who used to have a minimal balance of TAS 10,000.00), ranging between TAS 500,000 and TAS 2.00 Million and six transfers from Zambia ranging between TAS. 20 Million and TAS 52 Million. The sudden change in the pattern and size/ amount of deposits raised the institution's suspicions.

(3) A new account was opened on 6th May 2003 and on 22nd August 2003 the account received US $259,390.40 from Oman Arab Bank, through Citibank New York. The amount was considered unusual/big to warrant suspicion.

(4) Two accounts had been operating with an average balance of TAS 20,000.000 and TAS 1.34 Million. On 12th and 15th July 2003 the client deposited TAS. 13.00 Million and TAS 100.000 Million, respectively. The funds were said to be proceeds from the sale of property. How ever, the amount was considered big for the accounts.

(5) On 15th December 2003 an institution's client received US $ 89, 975.00 through CitiDirect Online banking same day Cr Transfer. The Highest credit in this account since June 2000 was TAS 9.75 Million. US $ 89, 975, which is equivalent to TAS. 95.55 Million was considered unusual for this account.

The Bank of Tanzania, the reporting institutions and the law enforcement agency, handled all the above cases jointly and in cooperation.

Is there any obligation on financial Intermediaries other than banks and financial institutions (e.g. Lawyers, brokers) to report suspicious transactions to the relevant authorities? If so, what penalties apply to those who omit to report?

The Prevention of Terrorism Act, Act No. 21 of 2002 provides that every person should disclose suspicious transactions relating to terrorist acts (information) to relevant authorities. The penalty for such failure (of disclosure) is imprisonment of not less than 2 years and not more than 5 years (Section 40).

Under the same statute, every person is duty-bound to disclose information relating to property of terrorist groups or property used for commission of offences. The penalty for failing to disclose such information is imprisonment to a term of not less than 12 months.

However, under the proposed amendments to the Proceeds of Crimes Act, 1991 financial intermediaries (e.g. Lawyers & Brokers) are required to report suspicious transactions to the relevant authorities.

Does the directive issued by the Bank of Tanzania relating to the blocking and freezing of accounts and properties belonging to individuals and entities linked to terrorism have the force of law?

There is no single directive relating to the blocking and freezing of accounts and properties belonging to individuals and entities linked to terrorism. Whenever the Bank of Tanzania receives a list containing names of individuals and /or entities linked to terrorism, the bank issues a new circular containing those names, directing banks and financial institutions to scrutinize their records in order to determine if they have accounts or assets belonging to those persons. If such accounts/assets are found, banks and financial institutions are directed to block and freeze them. All banks and financial institutions are required to report to the Bank of Tanzania regardless of whether they have or have no relationship with the listed names. Banks and financial institutions also commit themselves to report to the Bank of Tanzania any attempt by the listed individuals and entities to establish relationships with them.

Those directives by themselves have no force of law but inference has to be made to Section 17 of the BFIA, 1991 mentioned above. The proposed amendments to the BFIA and the Anti Money laundering Bill are expected to give direct and clear backing to those directives.

Is that directive limited in its operation to 'those individuals and companies linked to terrorism as provided by the United States of American Government'? Is it capable of operating generally in relation to individuals and entities that can be demonstrated to have terrorist links while not being named in any list?

A separate directive is issued whenever a list containing names is received from the US Government. Those directives are limited in their operations to the names listed in them. They are not capable of operating generically in relation to individuals and entities that can be demonstrated to have terrorist links while not being named in any list. When a bank or financial institution encounters such a situation, it has to report immediately as a "suspicious transaction" under the provisions of Circular No.8

The CTC would be grateful for progress reports on:

- *The review of the Circular on the freezing and blocking of accounts, etc.*

As stated above, there is no single circular on the freezing and blocking of accounts, etc. For every new list, a new directive or circular is issued to all banks and financial institutions.

The CTC would be grateful for progress report on:

- *The consultations relating to; and actions taken to establish the proposed financial intelligence unit.*

The proposed amendments to the Proceeds of Crime Act provide for the establishment of a Financial Intelligence Unit.

SUB-PARAGRAPH 1 (b)

What constitutes a 'criminal racket', for the purposes of the Economic and Organized Crimes Control Act of 1984? What application does the Act, the Proceeds of Crimes Act of 1991 or any other Legislation have specifically in relation to the financing of terrorism, particularly in cases where money and other sources are intended or reasonably suspected of being intended, for use for terrorist purposes is derived from legitimate sources?

Criminal Racket

Under Section 2 of the Economic and Organized Crime Control Act, a 'criminal racket' means "any combination of persons or enterprises engaging, or having for the purpose of engaging, whether once, occasionally or on a continuing basis, in conduct which amounts to any offence under this Act."

The Economic and Organized Crime Control Act and Proceeds of Crime Act are silent on property. However, the Prevention of Terrorism Act specifically prohibits the provision or collection of funds and property from whatever source for financing terrorism as follows:

> Section 13: "Every person who provides, or collects by any means, directly or indirectly, any funds, intending, knowing or having reasonable grounds to believe that the funds will be used in full or in part to carry out a terrorist act commits an offence and shall on conviction be liable to imprisonment for a term not less than fifteen years and not more than twenty years."
>
> Section 14: "Every person who, directly, collects property or provides, invites a person to provide, or makes available, property or financial or other related services-
>
> (a) intending that they be used, in whole or in part, for the purpose of committing or facilitating the commission of, a terrorist act or for the purpose of benefiting any person who is committing or facilitating the commission of terrorist act, or
>
> (b) Knowing that in whole or in part, they will be used by, or will benefit, a terrorist group,
>
> Commits an offence and on conviction, be liable to imprisonment for a term not less than twenty years and not more than twenty five years.
>
> Section 15: "Every person who-
>
> (a) uses property, directly or indirectly, in whole or in part, for the purpose of committing or facilitating the commission of a terrorist act; or
>
> (b) posses property intending that it be used or knowing that it will be used, directly or indirectly, in whole or in part, for the purpose of committing or facilitating the commission of a terrorist act,

Commits an offence and shall on conviction be liable to imprisonment for not less than fifteen years and not more than twenty years.

SUB-PARAGRAPH 1 (c)

Please provide a detailed outline of the provisions of the Proceeds of Crimes Act, 1991 and the Mutual Assistance in Criminal Matters Act of 1991 relating to freezing of accounts.

The proposed amendments to the Proceeds of Crime Act, 1991 provides for freezing of accounts but it is yet to come into force.

- *How quickly can a restraining order under Part V of the Proceeds of Crimes Act of 1991 be obtained?*

Sections 38 and 39 of the Proceeds of Crime Act, 1991 state that a court may grant a restraint order where it deems fit to do so or on an application by the Attorney General. Section 39 provides for the circumstances under which the court may grant restraint orders, it is these circumstances that determine how quickly the restraining order may be issued; among the grounds are:

(i) If the court is satisfied that the offence concerned is a specific offence.

(ii) Where the offence concerned is a serious offence other than a specific offence, in which case the court shall, subject to this part, issue an interdict against the property unless the court is satisfied that it is not in the public interest to make such an order.

(iii) Where the defendant has not been convicted of the offence concerned, the court will only issue a retrieving order unless the application for the interdict is supported by an affidavit of a police officer stating that he admits that the defendant committed the offence and that the court is satisfied that having regard to the contents of the said affidavit, there are reasonable grounds for holding that belief.

(iv) Where the application is made pending the charging of the defendant with the offence concerned, with the exception that the court is satisfied that the defendant will be charged with the offence or a related offence within 48 hours.

Is there any provision for the freezing of accounts and the restricting of dealings with property during investigations and a head of charges being laid?

Section 12 (5) (a) of the Prevention of Terrorism Act, 2002 provides for freezing of funds and assets. Section 35 of the Proceeds of Crimes Act states that seized property during and after investigations shall be kept by the Inspector General of Police or another officer with written authority, and shall ensure that all reasonable steps are taken to preserve it until it is required for the purpose of the Act or disposed of in the terms of the Act.

Section 44 of the Criminal Procedure Act, 1985 provides for the property to be seized (during investigation) until the conclusion of the case or the investigation and reasonable care be taken for its preservation.

Part VI of the Mutual Assistance in Criminal Matters Act, 1991 provides for forfeiture of property during investigations and a head of charges being laid. Part IX S. 351 of the Criminal Procedure Act also provides for the forfeiture of property.

SUB-PARAGRAPH 1 (d)

What laws and practical controls and surveillance measures exist to ensure that funds and other economic resources collected for religious, charitable or cultural purposes are not diverted for other purposes, particularly for financing terrorism?

Refer to sub-paragraph 1 (b).

Please indicate the laws and procedures available to regulate alternative remittance systems, including systems of, or similar to, the kind known as "hawala"

Currently, no Laws and Procedures are in Place to regulate informal systems of money remittance such as "hawala".

SUB-PARAGRAPH 2 (a)

Are the provisions of the Constitution dealing with military recruitment adequate to deal specifically with recruitment within Tanzania of persons for terrorist activities outside Tanzania.

All military recruitments are done in accordance with the constitution of the United Republic of Tanzania. Article 48(1) of the constitution empowers the commander in-chief (in this case the President) to order *inter alia* any such forces to engage in the operations for the defense of the United Republic of Tanzania for any other purposes, whether within or outside Tanzania, which may appeal to the commander-in-chief to be expedient.

The CTC would welcome a more detailed information on the provisions of the Legislation relating to arms and ammunition and explosives that are of particular relevance to this sub-paragraph. Is there a requirement for the legislation of firearms and licensing of persons to own them and to carry them? What legislative and administrative controls apply to the import and export of arms, ammunition and other explosives?

The United Republic of Tanzania has strict laws and regulations concerning ownership of firearms. Tanzania also has a central arms registry for the registration of all arms and ammunition that are possessed by individuals. The police force does the registration as well as maintenance of the registry.

The National Security Act, 1970
This Act is aimed at making better the provisions relating to state security, to deal with espionage, sabotage and other activities prejudicial to the interests of the United Republic and for other related purposes.

Section 8(1) prohibits any person from possessing offensive weapons or materials without lawful authority. These include any substance, material or article made or adapted for use of causing or threatening and includes explosives, ammunition and any inflammable liquid or substance and any acid or gas. The penalty for unlawful possession is imprisonment of a term not exceeding 10 years. Section 20(1) provides that "any person who contravenes the provisions of the Act commits an offence, whether in or outside Tanzania".

The Explosives Act, 1963
This Act is aimed at making provisions for the control of the manufacture, import, export, purchase, sale, possession and use of explosives and related materials. Section 3(1) makes it unlawful for any person to import, manufacture, possess, acquire or dispose of, sell, convey, deal or traffic in any explosive substance unless that substance has been approved by the commissioner for use in Mainland Tanzania.

Penalty: Fine not less that 5 million shillings or imprisonment for a term not less than 3 years but not exceeding 7 years or both such fine and imprisonment. However, members of the military forces in Tanzania acting in the course of their duties as members of such forces are exempted from the provisions of the Act.

Part II of the Act prohibits the manufacture of explosives unless the manufacturer is a holder of a valid license and complies with the conditions of the statute. Part IV prohibits the importation of explosives without a valid permit.

Part V Prohibits the transport of explosives except under permit and that care and security should be taken while explosives are in transit, by whichever means used.

Part VI and VII provide for the restriction against acquisition, possession and disposal of explosives, as well as their storage requirements and conditions.

Arms and Ammunition Act, 1991
Section 4 of the Act prohibits any person to possess, except in a public warehouse (and at his cost) to carry, to have under his control any fire arms or ammunition without a license. Members of the armed forces are exempted. This part covers both Tanzania Mainland and Zanzibar. It also recognizes reciprocal recognition of arms licenses in neighbouring countries including Kenya, Malawi, Rwanda, Uganda and Zimbabwe.

Part III imposes restrictions on the export and import of arms and ammunition in and out of Tanzania, except under a valid license or where the said arms are not intended for warlike purposes.

Travelers are also prohibited from introducing arms and ammunition into Tanzania except under specified circumstances and strictly in accordance with the law of Tanzania and international conventions. Part IV provides for the storage requirements of arms and ammunition and other dealings, and requires the importer to obtain a permit for the said disposition. Only the authorized officer shall give directions regarding transportation of the ammunition and the storage. Penalty: imprisonment for 6 years.

Part IV: Contains enforcement provisions of the Act, that include the establishment of central offices both at Dar es Salaam and Zanzibar for recording permits and licenses under the Act; duties of persons possessing or controlling arms and ammunition; safe custody and powers of the Minister to make regulations and penalties for those who contravene the provisions of the Act; and the power to forfeit, search and seize the arms.

The Armaments Control Act, 1991

Part II: Section 5 – The president is required and mandated to facilitate and ensure for the formulation and implementation of a realistic policy consistent with National Security as a whole for the control of all dealings in and with armaments within the United Republic.

Section 11 prohibits any person to carry, convey or have in his possession or under his control any armaments except under the terms and conditions as prescribed by the Board (established under part II). The Section does not cover armaments which are in the possession of the Government.

Section 12 prohibits the export and import of armaments while section 13 prohibits the manufacture, save under a lawful supervision and license. Section 16 and 17 provides for the forfeiture of armaments either connected with an offence or those found without an apparent owner. Penalty: Imprisonment for a term not exceeding 15 years, not less than 7 years or to a fine not exceeding 3 million shillings or to both fine and imprisonment.

Section 19 provides for regulations, which the Minister may make for the better carrying of provisions of the Act, such as requiring manufactures, importers or sellers of armaments to keep and produce records to furnish returns to the Board.

SUB-PARAGRAPH 2 (b)

Does Tanzania have a body specialized in counter terrorism or is that the responsibility of a number of a departments or agencies in the latter case, how is the coordination between the various entities affected?

Does each agency define its strategy independently, or does it carry out measures that have been established at a higher level? Who determines that policy and, if applicable, the distribution of tasks among agencies?

The Tanzania Police Force has established a Counter Terrorism Unit, which is based at CID Head quarters. The Unit works very closely with a counterpart Unit under the Tanzania Intelligence and Security Service. This implies that the fight against terrorism in Tanzania is the responsibility of various Government departments or agencies.

Coordination between various entities is done under the umbrella of meetings of the Heads of Defense and Security Organs. Normally they have scheduled meetings to discuss security matters including terrorism. In case of any major terrorist threat or incident, the heads meet and direct formation of a task force, which will deal with a specific threat.

Depending on the gravity of the issue at hand, each Agency defines its strategy independently, governed by the constitutional and legal responsibility of the department. However in case of a major national issue that requires a multi-sectoral approach then the Meeting of the Heads of Security and Defense Organs will determine the policy and Members of the Joint Task Force will distribute the tasks among agencies. The joint task force is formed by the Inspector General of Police, Director General of Tanzania Intelligence Service and the Chief of Defense Forces.

SUB-PARAGRAPH 2 (c)

What provisions exist to exclude from Tanzania Asylum seekers, and others who are persons of the kind mentioned in the sub-paragraph 2 (c) of the resolution?

The Tanzania Police Force complies with the established Interpol procedures. The time limit taken to respond to a request from a member state, depends on various factors such as the availability of adequate information from the requesting state, and also the nature or status of the request. For the request, which is classified, as urgent, we are expected to respond within 24 hours. For the ordinary it may take one month.

SUB-PARAGRAPH 2 (d)

The CTC would welcome a progress report on, and a detailed outline `of, the measures being taken to strengthen the laws of Tanzania in order to comply with the requirements of this sub-paragraph particularly in relation to the transnational aspects of terrorist activity.

The Government of Tanzania enacted the Prevention of Terrorism Act, Act No. 21 of 2002, which puts in place comprehensive measures for combating terrorism. The Act defines and prohibits acts of terrorism.

SUB-PARAGRAPH 2 (e)

What is the competence of the courts of Tanzania to deal with criminal act of each of the following kinds:-

- *An act committed outside Tanzania by a person who is a citizen or habitually resident in Tanzania (whether that person is currently resident or not)*

The Penal Code, Cap 16.
Chapter III deals with the territorial application of the code.
Section 6 provides *inter alia* that the Jurisdiction of the courts of Tanganyika for the purposes of this code extends to:

(b) any offence committed by a citizen of Tanganyika, in any place outside Tanganyika.

- *An act committed outside Tanzania by a foreign national who is currently in Tanzania*

Under the Extradition Act, No 15 of 1965, courts in Tanzania have the competence of dealing with cases where a criminal act is committed outside Tanzania by a foreign national who is currently residing in Tanzania.

SUB-PARAGRAPH 2 (f)

Please provide a list of Bilateral and Multilateral treaties on mutual assistance in criminal matters and on extradition to which Tanzania is a party.

In the event that a person is arrested with forged travel documents, he or she shall be prosecuted under the provisions of the Tanzania Passports and Travel Documents Act, No. 20 of 2002.

How does Tanzania secure its extensive borders against unauthorized crossings?

Tanzania secures its extensive borders against unauthorized crossing through joint monitoring system in place at the entry points. The Immigration office closely works with State Security and the Police Force to secure the borders.

SUB–PARAGRAPH 3 (c)

What is the legal basis for extradition in Tanzania? In particular:

- *Is it governed, in any respect, by legislation? If so, outline the legislation.*

Yes.
Tanzania is governed by legislation in matters of extradition, which is the Extradition Act, No. 15 of 1965, the Mutual Assistance in Criminal Matters of 1991 and the Prevention of Terrorism Act, No. 21 of 2002.

Is it contingent, in any respect on the existence of bilateral treaties? If so, please provide a list of countries with which Tanzania has concluded relevant bilateral treaties.

List of countries:

- Kenya
- Mauritius
- Uganda
- Zambia

SUB-PARAGRAPH 3 (d) (e)

The CTC would welcome a report, in relation to the relevant international conventions and protocols relating to terrorism, on the progress made by Tanzania in:

- *Becoming a party to the instruments to which it is not yet a party; and*
- *Enacting legislation, and making other necessary arrangements, to implement the instruments, to which it has become a party.*

Tanzania has ratified 8 Conventions relating to Terrorism. The process is underway to table Bills to ratify the remaining four Conventions.

SUB-PARAGRAPH 3 (e)

The CTC would welcome a report, in relation to the relevant international conventions and protocols relating to terrorism on the progress made by Tanzania in:

- *Becoming a party to the instruments to which it is not yet a party; and*
- *Enacting legislation, and making other necessary arrangements, to implement the instruments to which it has become a party.*

Please refer to the response in paragraph 3 (d) (e) above.

SUB-PARAGRAPH 3 (e)

In view of the fact that Tanzania has currently ratified only 4 of the 12 relevant instruments and acknowledges (response to sub-paragraph 2 (d) the need to undertake the process of strengthening existing national laws in order to incorporate the aspect of terrorism, 'the CTC would be grateful for an elaboration of the statement that 'Tanzania fully implements the Conventions, Protocols and Resolutions referred to in this sub-paragraph'

Tanzania has ratified 8 Conventions relating to Terrorism. The process is underway to table Bills to ratify the remaining four Conventions.

Have the offences set forth in the relevant International Conventions and Protocols been included as extraditable offences in the relevant bilateral treaties (if any) to which Tanzania is a party?

Extradition Crimes:

1. Criminal Homicide and similar offences
   - Murder and attempt and conspiracy to murder
   - Manslaughter.
2. Injury to persons not amounting to Homicide
   - Wounding or inflicting grievous bodily harm,
   - Assault, occasioning actual bodily harm or other aggravated assaults punishable by imprisonment for five years or more.
3. Abduction, Rape and similar offences
   - Rape, defilement, unlawful carnal knowledge,
   - Indecent assault,
   - Abortion and offences relating thereto,
   - Child-stealing,
   - Kidnapping and false imprisonment,
   - Procuration.

4. Narcotics and Dangerous Drugs
   - Offences relating to narcotics
   - Offence related to traffic in dangerous drugs.
5. Damage to property
   - Malicious damage to property,
   - Arson.
6. Falsification of Currency and similar offences
   - Counterfeiting and altering money, and uttering counterfeit or altered money,
   - Offences relating to counterfeiting.
7. Misappropriation, Fraud and similar offences
   - Theft and offences related thereto,
   - Fraudulent conversion, burglary and house breaking, robbery, robbery with violence,
   - Threats by letter or otherwise with intent to extort; intimidation,
   - Obtaining money or goods by false pretences,
   - Perjury and subornation of perjury,
   - Bribery and corruption,
   - Offences by bankrupts, against bankruptcy law, or any cognizable offence under the laws relating to bankruptcy,
   - Fraudulent misappropriations, fraud,
   - Receiving stolen property.
8. Piracy and similar dealings
   - Piracy by the law of nations,
   - Sinking or destroying a vessel at sea or in the air, or attempting or conspiring to do so,
   - Assault on board a ship on the high seas or an aircraft in the air with intent to destroy life or to do grievous bodily harm,
   - Revolt or conspiracy to revolt, by two or more persons, on board a ship on the high seas or an aircraft in the air against the authority of master, or captain of the aircraft.

SUB-PARAGRAPH 3 (g)

Is it possible under the Law of Tanzania for requests for the extradition of alleged terrorists to be refused on political grounds?

Yes.

Section 16(1) of the Extradition Act provides *inter alia* that subject to the provisions of section 17, no fugitive criminal shall be surrendered and no person arrested under Part III of this act shall be returned-

> (a) "If the offence in respect of which his surrender is required, or the offence specified in the warrant as the case may be, is one of a political character, or if it appears that the requisition for the surrender, or the application for endorsement of a warrant and return of the person named therein, has in fact been made with view to try or to punish him for an offence of a political character."

Nevertheless, this Section does not apply to terrorism-related cases. Section 39 of the Prevention of Terrorism Act states *inter alia*- "Notwithstanding anything in the Extradition Act of 1965, any offence which causes-

(a) death or serious bodily harm to a person or

(b) serious damage to property;

shall for the purpose of the extradition under this Act, be deemed not to be an offence of a political character or an offence connected with a political offence or inspired by political motives."

It would be helpful to the CTC to be provided with copies of, or internet reference of, up-to-date texts of the following legislation:

- *Economic and Organized Crimes Control Act of 1984.*
- *Proceeds of Crimes Act, 1991.*
- *Mutual Assistance in Criminal Matters Act, 1991.*
- *The Prevention of Terrorism Act, 2002.*

All Acts cited in this report can be found at the following website: http://www.parliament.go.tz.

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Security Council

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24 March 2005

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Letter dated 18 March 2005 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I write with reference to my letter of 19 October 2004 (S/2004/844). The Counter-Terrorism Committee has received the attached third report from Uganda submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex). I would be grateful if could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Andrey I. **Denisov**
Chairman
Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

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Annex

Letter dated 25 February 2005 from the Permanent Representative of Uganda to the United Nations addressed to the Chairman of the Counter-Terrorism Committee

Third report to the United Nations Counter-Terrorism Committee

Please find attached Uganda's third report in response to the questions that were raised by the Committee, with regard both to the original report of 29 April 2002 and the supplementary report of 20 October 2003 (see enclosure).

(*Signed*) Francis K. **Butagira**
Ambassador
Permanent Representative

Enclosure

Third report to the Counter-Terrorism Committee

Introduction:

Following the adoption of Resolution 1373(2001) by the Security Council on 28 September 2001, the Government of the Republic of Uganda submitted a Report to the Counter-Terrorism Committee (CTC) pursuant to paragraph 6 of the Resolution on 29 April 2002.

The CTC agreed with the explanations in the Report but requested for further information on certain points. A number of issues raised were answered in the supplementary Report that was submitted on 20 October 2003. However, the CTC requested for further clarifications on a number of issues.

The present Report is a response to the questions that were raised by the Committee with regard to both the original Report of 29 April 2002 and the supplementary Report of 20 October 2003.

Sub-paragraphs 1 (a) and (b):

- CTC requested for:

  - **Copies of the recently enacted Suppression of Terrorism Act**. The correct title of the Act is "The *Anti-Terrorism Act*, No. 14 of 2002. A photocopy of the full Act is attached.

  - **Any legislation amending that Act**. The Act has not been amended.

  - **Relevant provisions of the *Penal Code***. The relevant provisions of the *Penal Code,* Cap. 120 of the Laws of Uganda, 2000 Revised Edition include:-

    - S. 26 on Terrorism
    - S. 56-64 on Unlawful Society
    - S. 84 on Assembling for purposes of smuggling
    - S. 169-170 on offences in relation to uniforms
    - S. 220 on attempting to injure by explosive substances
    - S. 319 smuggling

    However, other than s.26, the other provisions of the *Penal Code*, do not address themselves directly to terrorism and its financing. Copies of the relevant provisions are attached.

- **Progress Reports on the signature by the President of the recently enacted Suppression of Terrorism Act and the study mentioned above**.

  (It should read: **The *Anti-Terrorism Act***). It was assented to by the President on 25 May 2002 and came into force on 7 June 2002. The study is being considered by the National Security Council and its views and position are awaited.

- **Particulars of, and progress report on, the process of 'mainstreaming' the participation of financial institutions in the fight against terrorism.**

  Since August 2000, the Uganda Anti-Money Laundering Committee (UAMLC) composed of representatives of the Bank of Uganda; the Ministry of Finance, Planning and Economic Development; the Capital Markets Authority; the Ministry of Justice; the Directorate of Public Prosecutions; the Uganda Revenue Authority; the Uganda Bankers Association; the Uganda Institute of Bankers and the Uganda Police has been spearheading the anti-money laundering crusade in Uganda. The Committee has been working on the establishment of the legal and institutional framework for the combating of money laundering and the financing of terrorism in Uganda. It holds regular meetings.

  The Bank of Uganda Anti-Money Laundering Guidelines which were issued to financial institutions in December 2002 are still in force. Parallel guidelines were issued to forex bureaux and they came into force on 1 September 2003.

  On 21 January 2003, the Ministry of Finance, Planning & Economic Development of Uganda and the US State Department signed a Memorandum of Understanding where the latter would support the Intermittent Enforcement Team to establish and implement an anti-money laundering regime in Uganda. The US Treasury Department would provide assistance to Uganda in the development of legal foundations, policies and organisation in the areas of anti-money laundering, terrorist financing, organised crime and corruption and the capacity building of law enforcement and financial entities to help them prevent, detect, investigate and prosecute complex domestic and international financial crime. During the last quarter of 2003, the US Treasury Enforcement Team conducted comprehensive training sessions in Financial Investigative Techniques for investigators, prosecutors, the Uganda Revenue Authority, the Capital Markets Authority and the Ugandan financial sector in general.

  Uganda government officials from different but relevant sectors have participated and continue to participate in a number of training programmes including the Mutual Evaluation Training Workshop in Bagamoyo, Tanzania, January 2003; Financial Sector Assessment Programme organised by the World Bank in Tanzania in 2002 and the Advanced Mutual Evaluator's Course in Anti-Money Laundering in Lusaka, Zambia, 26-29 January 2004.

  A Financial System Stability Assessment on Uganda was undertaken by a joint IMF/World Bank Financial Sector Assessment Programme Mission in 2002. The Anti-Money Laundering and the Combating of the Financing of Terrorism Assessment was also undertaken to establish whether the Ugandan laws and regulations comply with the global standards for combating organised crime.

  The Bank of Uganda is spearheading the reform and modernization of Uganda's Payment System. Between 2003 and 2004 improvements were made in electronic clearing, payments system oversight, payment technology, standards and the legal and regulatory framework.

  Efforts have been made to strengthen the Anti-Narcotics and Anti-Fraud Departments and the Anti-Terrorism Units within the Uganda Police Force. The

Ministry of Ethics and Integrity, Immigration Department of the Ministry of Internal Affairs and the Customs Department of the Uganda Revenue Authority have also been strengthened.

Though it may be inadequate in certain respects, the *Anti-Terrorism Act* is in place. It may be necessary to amend it to meet the new challenges. A more detailed *Anti-Money Laundering Bill*, which is intended to address among others, the role of financial institutions has been submitted to Cabinet and thereafter it will be tabled before parliament.

- **Status of the policy document on money-laundering that was circulated at the end of 2001. What matters does it deal with and how best it is enforced?**

A detailed explanation was given in the Supplementary Report of 20 October 2003. The policy document is not law and as such there are no penalties when it is not adhered to. However, these shortcomings will be addressed in the *Anti-Money Laundering Bill* mentioned above.

Among other things, the draft *Anti-Money Laundering Bill* proposes to bring into existence a Financial Intelligence Authority to co-ordinate policy and efforts to counter money-laundering activities. The Anti-Money Laundering Law will bring into existence the Financial Intelligence Authority Board, which will oversee the national strategy pertaining to Uganda's anti-money laundering activities/initiatives.

Sub-paragraphs 1 (c) and (d):

- **What legislative provisions and procedures exist for monitoring suspicious financial transactions? Are financial institutions, other intermediaries (e.g. lawyers) and other natural or legal persons required to report suspicious transactions to the relevant authorities? What penalties apply to those who omit to report?**

According to s. 40(1) of the *Bank of Uganda Act*, Cap. 51, every financial institution shall furnish the Bank of Uganda with all information that may be required by the Bank of Uganda for the proper discharge of its functions. S. 51 provides for offences and penalties for contravention of the provisions of the Act, making incorrect statements in documents submitted and making false replies to questions asked by Bank of Uganda for purposes of the Act.

According to s. 3 of the *Financial Institutions Act*, Cap. 54, a person shall not transact banking business, credit institution business or building societies business without a valid licence. Under s.4(2) the application for a licence shall include the name and address of the proposed financial institution; the directors; shareholders; nationality of the directors; nationality of the shareholders and qualifications, experience, nationality and other relevant particulars of the proposed management and staff among others.

S. 5 of the Act provides for factors to be considered before granting a licence. They include: the financial condition and history of the applicant, nature of business of the applicant and the competence and integrity of the proposed management. According to s. 6(5) of the Act, the Central Bank may grant a licence upon such conditions as are necessary.

Under s. 20, a financial institution shall keep accounts and records which show a clear and correct state of its affairs and explain its transactions and financial position to enable the Central Bank to determine whether the financial institution has complied with the Act. Under s. 26 financial institutions are required to furnish the Central Bank with all information and data of its operations in Uganda periodically. The Central Bank may periodically or at any time of its discretion inspect the books of accounts of the financial institutions. (see s. 27 thereof).

The Central Bank may take possession of a financial institution which is conducting business in a manner that is inconsistent with the Act or refuses to submit itself to the inspectors from the Central Bank. (See s. 30 of the Act).

The *Anti-Money Laundering Bill* is expected to make other useful provisions. It will require financial institutions, business and professions to implement certain internal administrative systems in order to keep detailed records of their customers. The financial institutions, businesses and professions will be required to report certain transactions above a specified amount as well as transactions that are suspicious. The said institutions will be required to train their employees to recognise and deal with suspicious transactions.

The Uganda Anti-Money Laundering Committee has established a sub-committee to oversee training and capacity building requirements. The training is intended for law enforcement agents, prosecutors, investigators, the banking fraternity and judicial officers.

The *Accountants Act*, Cap. 266 provides for requisition, control, disciplining, and maintenance of professional standards by professional accountants. This would require them not to get involved in or condone illegal financial transactions in the course of their business. *The Advocates Act*, Cap. 298 also provides for disciplinary control over advocates and their clerks for similar reasons.

The *Money-Laundering Bill* will provide a list of accountable persons. The list is likely to include advocates, notaries, accountants and other independent legal professionals and accountants; casinos; real estates agents; dealers in precious metals and gems; trust and company service providers; registrars of companies and land; Non-Governmental Organisations; churches and charitable organizations among others.

- **What laws and practical controls and surveillance measures exist to ensure that funds and other economic resources collected for religious, charitable or cultural purposes are not diverted to other purposes, particularly to the financing of terrorism?**

S. 5(3) of the *Non-Governmental Organisations Statute* No. 5 of 1989 provides for the establishment of the National Board for Non-Governmental Organisations,

which is composed of representatives from the Ministries of Internal Affairs; Justice and Constitutional Affairs; Finance, Planning and Economic Development; Foreign Affairs; Local Government and the External and Internal Security Organisations among others.

No Non-Governmental Organisation can operate in Uganda before it is registered with the Board. The representation from the different Ministries and Institutions mentioned above is meant to ensure that the NGOs satisfy certain criteria including their origin and financing before they can be registered.

According to s.6 of the Statute, the functions of the Board include considering applications for registration of NGOs, guiding and monitoring them in carrying out their services and advising the Minister responsible for internal affairs on the general policy relating to their operations.

Under s. 9 of the Statute, the Board can revoke the certificate of registration of an NGO if the NGO does not operate in accordance with its constitution; contravenes any of the conditions or directions inserted in the certificate or in the opinion of the Board, it is the public interest to do so.

The *Non-Governmental Organisations Registration (Amendment) Bill* has been tabled before Parliament. It will provide for the monitoring of the activities and operations of NGOs by the Board. The *Anti-Money Laundering Bill* will list NGOs, churches and charitable organizations as accountable persons.

The *NGO Regulations*, S.I. No. 9 of 1990 provide for practical controls and surveillance measures to ensure that funds and other economic resources collected for religious, charitable or cultural purposes are not diverted particularly to the financing of terrorism. Every Organisation has to present a written work plan for approval by the Ministry responsible for planning and economic development. It should also provide two sureties acceptable to the Board, recommendations from Local Councils I, II and III and the Resident District Commissioner and a letter from a diplomatic mission of Uganda in the country of origin of the NGO or from a duly authorized government office in that country.

Regulation 12 clearly spells out special obligations of the NGOs especially those that may be prejudicial to the security of Uganda. They must have close and regular contact with the district authorities in all their activities.

Foreigners in the NGOs should produce a certificate of no criminal record. Annual returns of the NGO must include estimates and information on incomes and expenditure as specified under Regulation 15.

- **Indicate the laws and procedures available to regulate alternative remittance systems, including systems of, or similar to, the kind known as hawala.**

Under s. 4(2)(j) of the *Bank of Uganda Act*, Cap. 51, Bank of Uganda supervises, regulates, controls and disciplines all financial institutions. It ensures high standards of conduct and management throughout the banking system. (See s. 37(b). The *Anti-Money Laundering Bill* will provide for the regulation of cross

boarder movements of currency or negotiable bearer instruments which do not pass through the normal banking procedures or Uganda's financial system.

- **Whether Uganda has any generally applicable procedures for the freezing and provisional seizure of funds and assets relating to terrorism and its financing. Please outline any such procedures. Please distinguish between seizures occurring in the course of the investigations and confiscations ordered upon sentencing.**

  See explanation given in the Supplementary Report of 20 October 2003. More specific provisions are expected in the *Anti-Money Laundering Bill*. The Bill will provide for the seizure, freezing and forfeiture of assets in relation to money laundering.

Sub-paragraph 2 (a):

- **Measures, both legislative and practical, preventing entities and individuals from recruiting, collecting funds or soliciting other forms of support for terrorist activities to be carried out inside or outside Uganda including, in particular:**

  - **the carrying out, within or from Uganda, of recruiting, collecting of funds and soliciting of other forms of support from other countries;**
  - **deceptive activities such as recruitment based on a representation to the recruit that the purpose of the recruitment is one (e.g. teaching) different from the true purpose and collection of funds through front organizations.**

- **How does Uganda control the establishment, and operations, in its territory, of paramilitary groups that have the potential to engage in terrorist activities?**
- **What measures does Uganda have in place to prevent terrorists obtaining weapons within or outside its territory, in particular small arms or light weapons? What is the legislation concerning the acquisition and possession, and import and export, of weapons?**

  The Uganda government has a mechanism in place to investigate such paramilitary groups that are likely to be potential terrorists, through establishing their intentions and motivating factors including those who encourage and support such groups financially and by other means.

  The control measures in place include the following:

  - The Uganda government initiated a police led public awareness campaign to involve the people in their security especially Community Policing. These programs are aimed at denying the terrorists grounds for recruitment. Other organs like Internal Security Organization (ISO), Joint Anti Terrorism Task Force (JAT) and Special Branch (SB) have a duty to

detect and predict any paramilitary group in the country that has the potential to engage in terrorist activities.

- Establishing and maintaining friendly diplomatic relations with the neighbouring countries so as to deny such groups the chance of establishing bases on the neighbouring countries' territory and vice versa.

- The *National Security Council* Act, Cap. 301 provides for the establishment of the National Security Council in accordance with Art. 219 of the Constitution of the Republic of Uganda to advise the President on all matters relating to national security. S. 4(3) thereof provides for the Joint Intelligence Committee which is the technical committee appointed by the President and composed of the various security experts from security agencies. S. 6 provides for the District Security and Intelligence Committees while s. 8 provides for Sub-County Intelligence Committees.

- The *Explosives Act*, Cap. 298 restricts the manufacture, storage or possession of unauthorised explosives. No person shall import explosives without a permit. (see s. 9). The *Firearms Act*, Cap. 299 provides for the regulation and control of the manufacture, import, export, sale, repair, storage and possession of firearms and ammunition. They require registration and a certificate.

- The *Anti-Terrorism Act* of 2002 established a legal framework within which the counter terrorism effort is regulated. Under this law anyone engaged in the aiding, financing, harbouring and planning of terrorist activities commits an offence that carries a maximum penalty of death.

- According to the *Amnesty Act*, Cap. 294 of 2000, Laws of Uganda, all Ugandans involved in acts of a warlike nature in various parts of the country are granted amnesty. Pursuant to the provisions of the said Act, the Government of Uganda has made and continues to make peace with the various rebel groups. When such groups surrender, they hand over their weapons and ammunition to the government.

- With regard to armed criminals, sustained joint security operations by special task forces have been established with remarkable success in the recovery of illicit arms.

- The Government initiated a disarmament exercise in the Karamoja region which has yielded positive results. The exercise continues.

- The Government has mandated the destruction of obsolete and un-serviceable stockpiles and surpluses, seized or captured and voluntarily surrendered stocks of small arms and explosive ammunitions.

- The Government of Uganda has established an inter-ministerial body known as the Uganda National Focal Point on small arms and light weapons to facilitate coordination of action and policy to promote the implementation of the international, regional and sub-regional agreements and protocols on small arms which include:

- *The Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction*, Ottawa, 8 September 1997. Uganda signed the Convention on 3 December 1997 and ratified it on 25 February 1999.
- *The United Nations Protocol Against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunitions.*
- *The Bamako Declaration on an African Position on the Illicit Proliferation, Circulation and Trafficking in Small Arms and Light Weapons*, signed on 1 December 2000.
- *The Nairobi Declaration on the Problem of the Proliferation of Illicit Small Arms and Light Weapons in the Great Lakes Region and Horn of Africa*, signed on 15 May 2000.
- *The Nairobi Protocol for the Prevention, Control and Reduction of Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa*, signed on 21 April 2004.

- The Government of Uganda has adopted a National Action Plan that will guide national action towards the prevention, combating and eradication of the problem of the proliferation of illicit small arms and light weapons. Under the plan, Government will among other things strengthen the capacity and training of law enforcement agencies to deal with the problem, review policy and legislation on firearms and explosives, improve stock piles management and conduct weapons collection and destruction programmes. The Plan also addresses strategies to reduce the demand for arms through development initiatives.

- The Government of Uganda is seeking to strengthen the law and its enforcement. The *Firearms Act* and the *Explores Act*, are being reviewed with a view of repealing them and enacting a new law altogether. The new law will incorporate the requirements of the international instruments on small arms and light weapons.

Sub-paragraph 2 (b):

- **Please describe the mechanism for inter-agency coordination between the authorities responsible for narcotics, financial tracking and security, with particular regard to border controls necessary to prevent the movement of terrorist groups.**

  - There are joint security deployments at all borders (Exit and Entry Points) of the country. The borders are manned 24hrs a day by Police, immigration, Customs and other security agencies. These agencies are coordinated under Joint Security Committees headed by the Police.

  - The Anti Narcotics Department of Police is responsible for the countering of drug trafficking in the country. This department has officers at all Exit and Entry Points coordinating with other security agencies namely Internal Security Organization (ISO), Criminal Investigations Department (CID), Special Branch (SB), Military Intelligence (MI) and External

Security Organization (ESO). The Intelligence services gather intelligence on the likely potential drug traffickers and then forward it to the Anti Narcotics Department for action. On the other hand the Criminal Investigation Department is responsible for prosecution of all culprits involved in drug trafficking.

- On financial tracking and security, it is the responsibility of the Anti Fraud Section (investigative department under the police) to work closely with customs personnel to track and identify persons involved in money laundering and illegal transfer of money across borders. However, the Anti Fraud Section also coordinates with the Bank of Uganda and other intelligence organs in the process of gathering and processing intelligence on money laundering and illegal money transfers. The Joint Anti Terrorism Task Force (JAT) coordinates all the above agencies in cases of suspected terrorist activity.

- **Please describe the mechanism available in Uganda to provide early warning of anticipated terrorist activity to other States.**

  - Uganda has bilateral and other protocol arrangements at regional, sub-regional and international levels where information on terrorism threats is always shared.

  - The Ministry of Foreign Affairs liaises with all foreign missions accredited to Uganda in case there is information of terrorist threats in the country.

  - Uganda has a well-developed public awareness and sensitization campaign system whereby all citizens, must report any suspected terrorists in the shortest time possible.

  - The Joint Anti-Terrorism Task Force carries out periodic terrorist threat assessments by terrorist groups in the region.

  - Uganda has always encouraged the sharing of intelligence information between its intelligence/security services and those of its' neighbours and other friendly countries.

Sub-paragraph 2 (c):

- **What provisions exist to exclude from Uganda asylum seekers, and others, who are persons of the kind mentioned in sub-paragraph 2 (c) of the Resolution?**

  - Uganda is party to the *United Nations Convention relating to the Status of Refugees*, of 18 July 1951, the *Protocol relating to Refugees* of 31 January 1967 and the *Convention Governing the Specific Aspects of Refugees in Africa* of 10 September 1969. Its therefore bound by their provisions.

- Under Art. 189 of the 1995 Constitution of Uganda, refugee matters are a function of the Central Government. Matters relating to asylum seekers are handled by the Directorate of Refugees, Office of the Prime Minister.

- An Inter-Ministerial Committee known as the Refugee Eligibility Committee has been established. The Committee comprises of Internal Security Organisation (ISO); External Security Organisation (ESO); Ministries of Foreign Affairs; Local Government; Justice and Constitutional Affairs; Internal Affairs; Office of the Prime Minister and the United Nations High Commission for Refugees. The committee determines who qualifies to be granted a refugee status.

Sub-paragraph 2 (d):

- **Please describe the legal and other measures available in Uganda to prevent the use of its territory for terrorist acts outside Uganda.**

Legal Measures

- S. 51 of the *Uganda Citizenship and Immigration Control Act*, No. 3 of 1999 confers powers and duties on Immigration Officers including interrogation of persons who are about to enter or leave Uganda and prohibited immigrants. The Immigration Officer can also require a person who is in charge of a ship, aircraft, or train arriving from or leaving for any place outside Uganda to furnish a list of the persons on Board.

- S. 58 provides for the maintenance of a register in which the particulars of every person to whom an entry permit, a certificate of permanent residence or pass is granted. The National Citizenship and Immigration Board may for purposes of discharging its functions under this Act, at least once a year call and inspect the registers maintained under this Act.

- S. 61 provides for deportation of prohibited immigrants or persons whose presence in Uganda is unlawful. The procedure for deportation is clearly spelt out.

- S. 68 and s. 69 provide for the registration and control of aliens.

- The *Anti-Terrorism Act* 2002 defines terrorism and terrorists.

Other Measures

- A system of tight border security is in place to deter the entrance of wanted terrorists into the country. Uganda is currently developing a stop list of all wanted terrorists on all exit and entry points in order to enhance border security.

- The country is in the process of issuing National Identity Cards for its nationals so that terrorists who sneak into the country may easily be identified.

Sub-paragraph 2 (e):

- **What is the competence of the courts of Uganda to deal with criminal acts of each of the following kinds:**

  - **an act committed outside Uganda by a person who is a citizen of, or habitually resident in, Uganda (whether that person is currently present in Uganda or not);**

    It would require extradition arrangements under the *Extradition Act*. See the explanation under sub-paragraph 3 (c) below.

  - **an act committed outside Uganda by a foreign national who is currently in Uganda ?**

    It would require extradition arrangements under the *Extradition Act*. See the explanation under sub-paragraph 3 (c) below.

Sub-paragraph 2 (f):

- **Please provide a list of the bilateral and multilateral treaties on mutual assistance in criminal matters to which Uganda is party**.

  The bilateral arrangements have been concluded under the *Extradition Act*. See explanation under 3(c) below.

- The *Anti-Money-Laundering Bill* will require the courts or competent authorities in Uganda to cooperate with court and other competent authorities of other states in taking appropriate measures to provide assistance in matters concerning money laundering and other organised crimes including the exchange of information, joint investigations and court proceedings such as provisional measures, confiscation and extradition in accordance with the bill and any other international conventions, treaties, agreements or arrangements to which Uganda is a party.

- **What is the legal timeframe within which a request for judicial assistance in criminal investigations or criminal proceedings (especially those relating to the financing or other support of terrorist acts) must be met and how long, on average, does it actually take in practice to implement such a request in Uganda?**

  There is no time limit. However, s.13 of the *Extradition Act* provides that where a person has been committed by court to prison, he/she has to be removed from Uganda within two months or else he/she may be discharged.

Sub-paragraph 2 (g):

- **Please describe the mechanism for inter-agency co-ordination between the authorities responsible for narcotics control, financial tracking and security, in particular in regard to border control.** (See answer to 2(b) above.

- **The CTC would welcome progress reports on the creation of the planned East African security zone and on the introduction of a National Identity Card.**

  - East African Community partner states have already embarked on regional cooperation between security services and police departments of member states through Inter-State Security Committee (ISSC), the East African police and defence chiefs cooperation.

  - Issuance of national identity cards to all citizens of Uganda of or above the age of 18 is provided for under s. 29 of the *Uganda Citizenship and Immigration Control Act*, No. 3 of 1999. S. 38 of the said Act provides for offences and penalties for failure to apply for a national identity card. Uganda is in final stages of issuing National Identity Cards for improvement of data collection, analysis and banking of data of all its citizens.

Sub-paragraph 3 (a), (b) and (c):

- **Is there an institutional mechanism for implementing sub-paragraphs 3 (a), (b) and (c) of the Resolution?**

  - Uganda has promoted international cooperative relationships including information sharing with countries concerned through existing channels among security agencies and through the Interpol framework. (See explanation under sub-paragraph 2(b) above). Uganda has continued to actively participate in regional and international fora on the combating of money laundering and the financing of terrorism. Uganda has been an active member of the East and Southern Africa African Anti-Money Laundering Group (ESAAMLG) and hosted the 6th Meeting of the Task Force of Senior Officials of the ESAAMLG and the 3rd Council Meeting of the ESAAMLG Ministers in Kampala 25-28 August 2003.

  - The Ministry of Foreign Affairs has liaison arrangements through the Embassies with most of the leading countries engaged in the fight against terrorism and continues to exchange information with them on a regular basis.

  - Uganda has also strengthened its immigration and customs departments and all the Entry Points are manned by trained personnel.

Sub-paragraph 3 (c):

- **What is the legal basis for extradition in Uganda? In particular:**

  - **Is it governed, in any respect, by legislation? If so, please outline the legislation.** The *Extradition Act*, Cap. 117.

  - **Is it contingent, in any respect, on the existence of bilateral treaties? If so, please provide a list of the countries with which Uganda has concluded relevant bilateral treaties.**

    According to s. 3(1) of the *Extradition Act*, Cap. 114 of 1964 Laws of Uganda (now s.4(1) of Cap. 117 of the Revised Laws of Uganda 2000), Uganda adopted the treaties entered into with other countries by the United Kingdom before Uganda became independent. Therefore a country to which part I of the *Fugitive Offenders Act* 1881 of the United Kingdom applied before the commencement of the *Extradition Act* in 1964 is a country to which Part I of the Uganda *Extradition Act* applies.

    Under the *Extradition Act (Arrangements) (Enforcement) Instrument* S.I 103 of 22 July 1966, the Minister responsible for the operation of the *Extradition Act* listed the following countries to which Part I of the Act applies:-

    Italy, Hungary, Haiti, France, Spain, Ecuador, Luxembourg, Switzerland, El Salvador, Uruguay, Guatemala, Colombia, Argentina, Monaco, Bolivia, Liberia, Rumania, Chile, Netherlands, San Marino, Yugoslavia, Belgium, Peru, Cuba, Panama, Paraguay, Greece, Finland, Czechoslovakia, U.S.A, Poland, Iraq, Germany and Israel.

    According to the *Extradition (Republic of India) Order*, S.I. 129 of 16 July 1969, the provisions of Part I of the *Extradition Act* shall apply in the case of the Republic of India with effect from 3rd May 1969.

    According to the *Extradition (Reciprocal Backing of Warrants) Order,* S.I. 235 of 1964 as amended by the *Extradition (Reciprocal Backing of Warrants) (Amendment) Order,* S.I No. 60 of 16 June 1967, the provisions of Part II of the *Extradition Act* shall apply to the Republic of Kenya and the United Republic of Tanzania.

    An Extradition Treaty between the Republic of Sudan and the Republic of Uganda was signed on 19 March 1964 and was ratified by the Republic of Sudan in 1966 and the Republic of Uganda on 7 October 1988.

    In addition to the above extradition arrangements efforts are being made to conclude a bilateral extradition arrangement with the Republic of Rwanda. A new bilateral treaty between the United States of America and the Republic of Uganda is being discussed.

Sub-paragraph 3 (d):

- **The CTC would welcome a report, in relation to the relevant international conventions and protocols relating to terrorism, on the progress made by Uganda in:**

- **Becoming a party to the instruments to which it is not yet a party.**

  In the earlier Reports, Uganda provided a list of the instruments to which it is party. Efforts being made to ratify or accede to others.

- **Enacting legislation, and making other necessary arrangements, to implement the instruments to which it has become a party.**

  Ratification or accession means that Uganda is bound by the provisions of the instruments. Uganda can only amend legislation which is in conflict with the provisions of the instruments it has ratified or acceded to. No conflict with the ratified international instruments has been observed.

Sub-paragraph 3 (e):

- **Have the offences set forth in the relevant international conventions and protocols been included as extraditable offences in the bilateral treaties to which Uganda is party?**

  Uganda ratified or acceded to a number of international instruments relating to terrorism in October 2003 and yet the *Extradition Act* was enacted in 1964. Similarly, most of the bilateral extradition arrangements were entered into before October 2003. However, under the *Extradition Act* it is mainly people who commit political offences who may not be extradited.

Sub-paragraph 3 (f):

Please elaborate on the efforts made "to distinguish "terrorists" from "freedom fighters" and the manner in which that distinction will assist in the work of the Refugee Eligibility Committee.

A terrorist and terrorism are clearly defined under S.7(2) of the *Anti-Terrorism Act*. See also explanation under sub-paragraph 2(c) above.

Sub-paragraph 3 (g):

- **The report states that claims of political motivation are not recognized as grounds for denial of requests for extradition of alleged terrorists. Is that a matter simply of practice or is it provided for by legislation?**

  This appears to have been a misstatement of the relevant law since the *Extradition Act* prohibits extradition for political offences.

- **The CTC would welcome a progress report on the actions taken by Uganda in addressing the concerns expressed in paragraph 4 of the Resolution.**

  - As indicated in the previous reports, Uganda is party to most of the relevant international instruments on terrorism.

  - Uganda is a member of the African Union (AU) and is committed to the implementation of the AU Plan of Action in prevention and combating terrorist which is enshrined in the following;

    (a) The *OAU Convention on the Prevention and Combating of Terrorism* in Algiers, 14 July 1999. (Referred to as "The Algiers Convention").
    (b) Plan of Action of AU High Level Inter-Governmental Meeting on the Prevention and Combating of Terrorism in Algiers, 2002.

  - Uganda has signed and ratified both the Bamako and Nairobi Declarations on combating the illicit trafficking in small arms and light weapons. A national Focal Point on Small Arms and Light Weapons was established two years ago and is now fully operational.

  - Uganda participated in the Workshop that culminated in *Khartoum Declaration on Terrorism and Transnational Organised Crime* of 19 January 2004 on combating organised crime and speedy implementation of the IGAD Plan of Action for preventing and combating terrorism.

  - Uganda is a member of the East and Southern African Anti-Money Laundering Group (ESAAMLG).

  - The Uganda intelligence services and Police are working together through the interstate security committee in the East African Community by exchanging information concerning terrorism activities.

  - At National level, Uganda encourages interaction amongst various institutional players engaged in terrorism prevention activities including legislative authorities, security forces; judicial authorities, police, border surveillance and customs authorities, the military and civil protection services. The Police Anti-Narcotics Department has been strengthened to counter drug smuggling and the Police Anti-Terrorism Unit (PATU) has acquired training in anti-nuclear measures from the International Atomic Energy Agency (IAEA) in Austria.

  - The *Anti-Terrorism Money Laundering Bill* will provide for the freezing and confiscation of financial assets of culprits involved in Terrorism and money laundering activities.

Could Uganda please provide an organizational chart of its administrative machinery, such as the police, immigration control, customs, taxation and financial supervision authorities, established to give practical effect to the laws, regulations and other documents that are seen as contributing to compliance with the Resolution.

In Uganda, all matters relating to the fight against terrorism are handled and coordinated by the Joint Anti-Terrorism Task Force (JAT) which is composed of the Chieftaincy of Military Intelligence (CMI), Uganda Police Force, Internal Security Organisation (ISO) and External Security Organisation (ESO). Below is the Organisational Chart of JAT.